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3 THE HONORABLE JOHN C. COUGHENOUR
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10 JENNIFER MORTS,
11 Plaintiff,
12 v.
13 MICROSOFT CORPORATION,
14 Defendant.

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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

No. 2:20-cv-01500-JCC
STIPULATED MOTION AND
[PROPOSED] ORDER CONTINUING
THE TRIAL DATE AND RELATED
DEADLINES

I. STIPULATION AND RELIEF REQUESTED

Pursuant to Federal Rule of Civil Procedure 16(b), Plaintiff Jennifer Morts and Defendant Microsoft Corporation (collectively, “the Parties”), respectfully request that the Court modify the current case schedule to extend the trial date from February 14, 2022 to **June 13, 2022**, with all other pending deadlines extended to conform with the new trial date.

This is the first and only continuance that has been requested in this case. The parties have exchanged written discovery and have attempted to work cooperatively to move this case forward as much as possible. However, the parties still have a considerable amount of discovery left to conduct, including depositions of the Plaintiff and other critical witnesses. In addition, the Parties would like to engage in mediation before discovery is completed to see if there is a possibility of resolving the case while still preserving sufficient time to finish discovery. The Parties believe a mid-discovery mediation, and being provided with additional time in which to conduct this mediation, may increase the chances of obtaining a negotiated settlement, thereby relieving the Court of the necessity of conducting a jury trial in this matter.

The Parties, through their counsel, have met and conferred and here jointly represent that adjustment of the current trial date is necessary to avoid prejudice to the Parties and to facilitate a possible negotiated resolution of this dispute.

II. STATEMENT OF FACTS

Plaintiff filed her Complaint for Damages on September 21, 2020. The current trial date is February 14, 2022. The current discovery cutoff is October 18, 2021. *Dkt.* 14.

The Parties seek a continuance, so that they can engage in targeted discovery and then attempt to resolve the case through mediation prior to expending substantial additional time and resources completing all remaining discovery.

1 The Parties have been working diligently and efficiently to exchange written discovery
 2 and confer on deficiencies, attempting to find ways to resolve discovery disputes informally,
 3 rather than involve the Court. However, the Parties still have a considerable amount of
 4 discovery left to conduct, including depositions, and are still working to resolve outstanding
 5 discovery disputes.

6 The Parties would like to have time to explore mediation prior to finishing discovery,
 7 which is not possible with the current October 18, 2021 discovery cutoff. A continuance of the
 8 trial date and other deadlines would allow the Parties to complete some key depositions,
 9 explore mediation, and have sufficient time to complete discovery if mediation is
 10 unsuccessful.

11 In short, additional time will facilitate engaging in meaningful mediation after the
 12 Parties complete key depositions but before the Parties invest substantial time, fees and costs
 13 completing discovery prior to dispositive motion practice.

14 **III. AUTHORITY**

15 This Motion is based upon the Federal Rules of Civil Procedure, corresponding case
 16 law, and the Court’s power to control its calendar. Orders entered before the final pretrial
 17 conference may be modified upon a showing of “good cause.” *Johnson v. Mammoth*
 18 *Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992) (*citing* Fed.R.Civ.P. 16(b)).

19 Here, “good cause” exists. The Parties jointly seek the Court’s relief in order to have
 20 the opportunity to attempt informal resolution of this case prior to investing substantial
 21 additional fees and costs necessary to complete discovery and dispositive motion practice.
 22 Despite their diligence, with the soon-approaching discovery cutoff in October, the Parties
 23 will not be able to complete all discovery and also explore mediation. *Jackson v. Laureate,*
 24 *Inc.*, 186 F.R.D. 605, 607 (E.D. Cal. 1999) (*citing Johnson*, 975 F.2d at 609) (good cause for
 25 continuance exists where, despite parties’ diligence, they will not be able to meet the
 26 scheduling deadlines).

IV. CONCLUSION

For the above-stated reasons, the Parties respectfully request that the Court grant this stipulated motion and issue a revised case scheduling order moving all currently pending deadlines related to the new trial date. The Parties request a new trial date of **June 13, 2022**.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 10th day of August, 2021.

Attorneys for Plaintiff:

Attorneys for Defendant:

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PURSUANT TO THE PARTIES' STIPULATED MOTION, IT IS SO ORDERED.

DATED this 12th day of August 2021.

John C. Coyne

John C. Coughenour
UNITED STATES DISTRICT JUDGE